UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

NV ENERGY, INC.

Employer

and

Case 28-UC-243

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 396, AFL-CIO

Petitioner

ORDER

On October 19, 2009, the two sitting members of the Board issued an Order granting review and denying review in this proceeding. On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635, holding that under Section 3(b) of the Act, in order to exercise the delegated authority of the Board, a delegee group of at least three members must be maintained. The Board has carefully considered the Petitioner's March 25, 2009, Request for Review and the Employer's March 26, 2009, Request for Review of the Regional Director's Decision and Order Clarifying Bargaining Unit, and finds the Employer's Request for Review raises substantial issues warranting review. Accordingly, we affirm the decision to grant the Employer's Request for Review, and affirm the decision to deny the Petitioner's Request for Review.

WILMA B. LIEBMAN, CHAIRMAN

PETER C. SCHAUMBER, MEMBER

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., August 27, 2010